

Senate File 2197

AN ACT

RELATING TO THE ENFORCEMENT OF CRIMINAL LAW PROVISIONS
INCLUDING PROVIDING FALSE IDENTIFICATION INFORMATION AND
PUBLIC INDECENT EXPOSURE AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 719.1A Providing false
identification information.

A person who knowingly provides false identification information to anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider, or fire fighter, commits a simple misdemeanor.

Sec. 2. Section 728.5, Code 2009, is amended to read as follows:

728.5 Public indecent exposure in certain establishments.

1. An owner, manager, or person who exercises direct control over a place of business required to obtain a sales tax permit shall be guilty of a serious misdemeanor under any of the following circumstances:

~~1.~~ a. If such person allows or permits the actual or simulated public performance of any sex act upon or in such place of business.

~~2.~~ b. If such person allows or permits the exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

~~3.~~ c. If such person allows or permits the exposure of the genitals or female breast nipple of any person who acts as an entertainer, whether or not the owner of the place of business in which the activity is performed employs or pays any compensation to such person to perform such activity.

~~4.~~ d. If such person allows or permits any person to remain in or upon the place of business who exposes to public view the person's genitals, pubic hair, or anus.

~~5.~~ e. If such person advertises that any activity prohibited by this section is allowed or permitted in such place of business.

~~6.~~ f. If such person allows or permits a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons.

2. However, if such person allows or permits a minor to participate in any act included in ~~subsections 1 through 4~~ subsection 1, paragraphs "a" through "d", the person shall be guilty of an aggravated misdemeanor.

3. ~~The~~ Except for subsection 1, paragraph "f", the provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art

exhibits or performances.

Sec. 3. Section 805.3, Code 2009, is amended to read as follows:

805.3 Procedure.

Before the cited person is released, the person shall sign the citation, either in a paper or electronic format, under penalty of providing false identification information under section ~~719.3~~ 719.1A, properly identifying the person cited. The person's signature shall also serve as a written promise to appear in court at the time and place specified. A copy of the citation shall be given to the person.

Sec. 4. Section 805.6, subsection 1, paragraph a, subparagraph (2), Code Supplement 2009, is amended to read as follows:

(2) The uniform citation and complaint shall contain spaces for the parties' names; the address of the alleged offender; the registration number of the offender's vehicle; the information required by section 805.2, a warning which states, "I hereby swear and affirm that the information provided by me on this citation is true under penalty of providing false information"; and a statement that providing false identification information is a violation of section ~~719.3~~ 719.1A; a list of the scheduled fines prescribed by sections 805.8A, 805.8B, and 805.8C, either separately or by group, and a statement of the court costs payable in scheduled violation cases, whether or not a court appearance is required or is demanded; a brief explanation of sections 805.9 and 805.10; and a space where the defendant may sign an admission of the violation when permitted by section 805.9; and the uniform citation and complaint shall require that the defendant appear before a court at a specified time and place. The uniform citation and complaint also may contain a space for the imprint of a credit card, and may contain any other information which the commissioner of public safety, the director of transportation, and the director of the department of natural resources may determine.

Sec. 5. Section 805.6, subsection 7, Code Supplement 2009, is amended to read as follows:

7. Supplies of uniform citation and complaint forms existing or on order on July 1, ~~1995~~ 2010, may be used until exhausted.

JOHN P. KIBBIE
President of the Senate

PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2197, Eighty-third General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2010

CHESTER J. CULVER
Governor